

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

STEPHEN EIMERS, as Personal )  
Representative of the Estate of HANNAH ) Case No. 1:19-cv-44  
EIMERS, Deceased, )  
 )  
*Plaintiff*, ) Judge Travis R. McDonough  
 )  
 ) Magistrate Judge Susan K. Lee  
v. )  
 )  
VALMONT INDUSTRIES, INC. et al., )  
 )  
*Defendants*. )

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**ORDER**

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Before the Court is Plaintiff's motion to voluntarily dismiss Defendants Valmont Industries, Inc., Valmont Highway, and Armorflex International Limited without prejudice, pursuant to Federal Rule of Civil Procedure 21 (Doc. 37). Rule 21 provides, "On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party." *See also Philip Carey Mfg. Co. v. Taylor*, 286 F.2d 782, 785 (6th Cir. 1961). Allowing Plaintiff to drop this defendant would not significantly prejudice any defendant because the parties are only in the beginning stages of discovery. Plaintiff represents that he has entered into a tolling agreement with these defendants, the terms of which require dismissal without prejudice and preservation of all defenses. (Doc. 37, at 1.) These defendants have not yet appeared in this action, but Plaintiff further represents that they do not oppose his motion to dismiss. Relying on this representation, the Court deems it just to dismiss Plaintiff's claims against Defendants Valmont Industries, Inc., Valmont Highway, and Armorflex International Limited without prejudice. Accordingly, Plaintiff's motion (Doc. 37) is **GRANTED**, and

Plaintiff's claims against Defendants Valmont Industries, Inc., Valmont Highway, and Armorflex International Limited are hereby **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED.**

*/s/ Travis R. McDonough* \_\_\_\_\_

**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**